

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 12-0142

In re: Cody Bill Harmon and
Christi Dawn Harmon,

Respondents

Default Decision and Order

Preliminary Statement

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents violated the Act.

Copies of the Complaint and the Rules of Practice governing proceedings under the Act, 7 C.F.R. §§ 1.130-1.151, were served by the Hearing Clerk by certified mail on December 28, 2011, on both of the Respondents. Respondents were informed in the letter of service that an Answer should be filed pursuant to the Rules of Practice, and that failure to answer any allegation in the Complaint would constitute an admission of that allegation.

By letter dated January 20, 2012, Respondents were advised by the Hearing Clerk that an Answer had not been received within the time allotted by the Rules of Practice and that they would be advised of subsequent proceedings.

On February 2, 2012, the parties were directed to show cause why a Default Decision should not be entered. No response was filed by Respondents.

As Respondents failed to file an answer within the time prescribed in the Rules of Practice, the following Findings of Fact, Conclusions of Law and Order will be entered pursuant to section 1.139 of the Rules of Practice, 7 C.F.R. § 1.139.

Findings of Fact

1. Cody Bill Harmon and Christi Dawn Harmon, hereinafter referred to as Respondents, are individuals with a mailing address in Lebanon, Missouri.

2. Respondents, at all times material hereto, were not licensed under the Act and the regulations.

3. Respondents sold, in commerce, dogs on approximately fifteen occasions on or about the date listed:

- | | | |
|----|----------|-----------|
| a. | 09/04/08 | 9 puppies |
| b. | 09/15/08 | 3 puppies |
| c. | 12/17/08 | 6 puppies |
| d. | 02/04/09 | 4 puppies |
| e. | 02/16/09 | 8 puppies |
| f. | 03/02/09 | 7 puppies |
| g. | 03/09/09 | 9 puppies |
| h. | 03/16/09 | 1 puppy |
| i. | 05/04/09 | 8 puppies |
| j. | 05/18/09 | 1 puppy |
| k. | 05/25/09 | 2 puppies |
| l. | 07/13/09 | 3 puppies |

- m. 07/13/09 3 puppies
- n. 12/07/09 1 puppy
- o. 12/14/09 7 puppies
- p. 12/19/09 2 puppies

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. Respondents, at all times material herein, were operating as dealers as defined in the Act and the regulations, without having obtained a license, in willful violation of section 4 of the Act (7 U.S.C. § 2134) and subsection 2.1(a)(1) of the regulations (9 C.F.R. § 2.1(a)(1)).

Order

1. Respondents, their agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder, and in particular, shall cease and desist from selling animals without a license which is required under the Act and regulations.
2. Respondents are jointly and severally assessed a civil penalty of \$24,988.00, which shall be paid by a certified check or money order made payable to the Treasurer of United States.
3. The provisions of this order shall become effective on the first day after this decision becomes final. Pursuant to the Rules of Practice, this decision becomes final without further proceedings 35 days after service as provided in section 1.142 and 1.145 of the Rules of Practice, 7 C.F.R. §§ 1.142 and 1.145.

Copies of this Decision and Order shall be served upon the parties.

March 9, 2012

Peter M. Davenport
Chief Administrative Law Judge